

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 3 and 6.1 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts  
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public  
4 employees performing functions so essential that the  
5 interruption or termination of the function will constitute a  
6 clear and present danger to the health and safety of the  
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State Police,  
12 means the labor organization that has been (i) designated by  
13 the Board as the representative of a majority of public  
14 employees in an appropriate bargaining unit in accordance with  
15 the procedures contained in this Act, (ii) historically  
16 recognized by the State of Illinois or any political  
17 subdivision of the State before July 1, 1984 (the effective  
18 date of this Act) as the exclusive representative of the  
19 employees in an appropriate bargaining unit, (iii) after July  
20 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the labor  
22 organization has been designated as the exclusive  
23 representative by a majority of the employees in an appropriate  
24 bargaining unit; (iv) recognized as the exclusive  
25 representative of personal care attendants or personal  
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and  
2 the organization shall be considered to be the exclusive  
3 representative of the personal care attendants or personal  
4 assistants as defined in this Section; or (v) recognized as the  
5 exclusive representative of child and day care home providers,  
6 including licensed and license exempt providers, pursuant to an  
7 election held under Executive Order 2005-1 prior to the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, and the organization shall be considered to be the  
10 exclusive representative of the child and day care home  
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, "exclusive representative" means the labor  
16 organization that has been (i) designated by the Board as the  
17 representative of a majority of peace officers or fire fighters  
18 in an appropriate bargaining unit in accordance with the  
19 procedures contained in this Act, (ii) historically recognized  
20 by the State of Illinois or any political subdivision of the  
21 State before January 1, 1986 (the effective date of this  
22 amendatory Act of 1985) as the exclusive representative by a  
23 majority of the peace officers or fire fighters in an  
24 appropriate bargaining unit, or (iii) after January 1, 1986  
25 (the effective date of this amendatory Act of 1985) recognized  
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive  
2 representative by a majority of the peace officers or fire  
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the  
5 workers of a water system that was owned by a public utility,  
6 as defined in Section 3-105 of the Public Utilities Act, prior  
7 to becoming certified employees of a municipality or  
8 municipalities once the municipality or municipalities have  
9 acquired the water system as authorized in Section 11-124-5 of  
10 the Illinois Municipal Code, the Board shall find the labor  
11 organization that has historically represented the workers to  
12 be the exclusive representative under this Act, and shall find  
13 the unit represented by the exclusive representative to be the  
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the  
16 employer and an employee organization under which all or any of  
17 the employees in a collective bargaining unit are required to  
18 pay their proportionate share of the costs of the collective  
19 bargaining process, contract administration, and pursuing  
20 matters affecting wages, hours, and other conditions of  
21 employment, but not to exceed the amount of dues uniformly  
22 required of members. The amount certified by the exclusive  
23 representative shall not include any fees for contributions  
24 related to the election or support of any candidate for  
25 political office. Nothing in this subsection (g) shall preclude  
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act  
3 only, any person who has been or is hereafter appointed to a  
4 fire department or fire protection district or employed by a  
5 state university and sworn or commissioned to perform fire  
6 fighter duties or paramedic duties, except that the following  
7 persons are not included: part-time fire fighters, auxiliary,  
8 reserve or voluntary fire fighters, including paid on-call fire  
9 fighters, clerks and dispatchers or other civilian employees of  
10 a fire department or fire protection district who are not  
11 routinely expected to perform fire fighter duties, or elected  
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the  
14 legislative branch of the government of the State of Illinois,  
15 as provided for under Article IV of the Constitution of the  
16 State of Illinois, and includes but is not limited to the House  
17 of Representatives, the Senate, the Speaker of the House of  
18 Representatives, the Minority Leader of the House of  
19 Representatives, the President of the Senate, the Minority  
20 Leader of the Senate, the Joint Committee on Legislative  
21 Support Services and any legislative support services agency  
22 listed in the Legislative Commission Reorganization Act of  
23 1984.

24 (h) "Governing body" means, in the case of the State, the  
25 State Panel of the Illinois Labor Relations Board, the Director  
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the  
2 case of a county; the corporate authorities in the case of a  
3 municipality; and the appropriate body authorized to provide  
4 for expenditures of its funds in the case of any other unit of  
5 government.

6 (i) "Labor organization" means any organization in which  
7 public employees participate and that exists for the purpose,  
8 in whole or in part, of dealing with a public employer  
9 concerning wages, hours, and other terms and conditions of  
10 employment, including the settlement of grievances.

11 (i-5) "Legislative liaison" means a person who is an  
12 employee of a State agency, the Attorney General, the Secretary  
13 of State, the Comptroller, or the Treasurer, as the case may  
14 be, and whose job duties require the person to regularly  
15 communicate in the course of his or her employment with any  
16 official or staff of the General Assembly of the State of  
17 Illinois for the purpose of influencing any legislative action.

18 (j) "Managerial employee" means an individual who is  
19 engaged predominantly in executive and management functions  
20 and is charged with the responsibility of directing the  
21 effectuation of management policies and practices. With  
22 respect only to State employees in positions under the  
23 jurisdiction of the Attorney General, Secretary of State,  
24 Comptroller, or Treasurer (i) that were certified in a  
25 bargaining unit on or after December 2, 2008, (ii) for which a  
26 petition is filed with the Illinois Public Labor Relations

1 Board on or after April 5, 2013 (the effective date of Public  
2 Act 97-1172) ~~this amendatory Act of the 97th General Assembly,~~  
3 or (iii) for which a petition is pending before the Illinois  
4 Public Labor Relations Board on that date, "managerial  
5 employee" means an individual who is engaged in executive and  
6 management functions or who is charged with the effectuation of  
7 management policies and practices or who represents management  
8 interests by taking or recommending discretionary actions that  
9 effectively control or implement policy. Nothing in this  
10 definition prohibits an individual from also meeting the  
11 definition of "supervisor" under subsection (r) of this  
12 Section.

13 (k) "Peace officer" means, for the purposes of this Act  
14 only, any persons who have been or are hereafter appointed to a  
15 police force, department, or agency and sworn or commissioned  
16 to perform police duties, except that the following persons are  
17 not included: part-time police officers, special police  
18 officers, auxiliary police as defined by Section 3.1-30-20 of  
19 the Illinois Municipal Code, night watchmen, "merchant  
20 police", court security officers as defined by Section 3-6012.1  
21 of the Counties Code, temporary employees, traffic guards or  
22 wardens, civilian parking meter and parking facilities  
23 personnel or other individuals specially appointed to aid or  
24 direct traffic at or near schools or public functions or to aid  
25 in civil defense or disaster, parking enforcement employees who  
26 are not commissioned as peace officers and who are not armed

1 and who are not routinely expected to effect arrests, parking  
2 lot attendants, clerks and dispatchers or other civilian  
3 employees of a police department who are not routinely expected  
4 to effect arrests, or elected officials.

5 (l) "Person" includes one or more individuals, labor  
6 organizations, public employees, associations, corporations,  
7 legal representatives, trustees, trustees in bankruptcy,  
8 receivers, or the State of Illinois or any political  
9 subdivision of the State or governing body, but does not  
10 include the General Assembly of the State of Illinois or any  
11 individual employed by the General Assembly of the State of  
12 Illinois.

13 (m) "Professional employee" means any employee engaged in  
14 work predominantly intellectual and varied in character rather  
15 than routine mental, manual, mechanical or physical work;  
16 involving the consistent exercise of discretion and adjustment  
17 in its performance; of such a character that the output  
18 produced or the result accomplished cannot be standardized in  
19 relation to a given period of time; and requiring advanced  
20 knowledge in a field of science or learning customarily  
21 acquired by a prolonged course of specialized intellectual  
22 instruction and study in an institution of higher learning or a  
23 hospital, as distinguished from a general academic education or  
24 from apprenticeship or from training in the performance of  
25 routine mental, manual, or physical processes; or any employee  
26 who has completed the courses of specialized intellectual

1 instruction and study prescribed in this subsection (m) and is  
2 performing related work under the supervision of a professional  
3 person to qualify to become a professional employee as defined  
4 in this subsection (m).

5 (n) "Public employee" or "employee", for the purposes of  
6 this Act, means any individual employed by a public employer,  
7 including (i) interns and residents at public hospitals, (ii)  
8 as of the effective date of this amendatory Act of the 93rd  
9 General Assembly, but not before, personal care attendants and  
10 personal assistants working under the Home Services Program  
11 under Section 3 of the Disabled Persons Rehabilitation Act,  
12 subject to the limitations set forth in this Act and in the  
13 Disabled Persons Rehabilitation Act, (iii) as of the effective  
14 date of this amendatory Act of the 94th General Assembly, but  
15 not before, child and day care home providers participating in  
16 the child care assistance program under Section 9A-11 of the  
17 Illinois Public Aid Code, subject to the limitations set forth  
18 in this Act and in Section 9A-11 of the Illinois Public Aid  
19 Code, ~~and~~ (iv) as of January 29, 2013 (the effective date of  
20 Public Act 97-1158) ~~this amendatory Act of the 97th General~~  
21 ~~Assembly~~, but not before except as otherwise provided in this  
22 subsection (n), home care and home health workers who function  
23 as personal care attendants, personal assistants, and  
24 individual maintenance home health workers and who also work  
25 under the Home Services Program under Section 3 of the Disabled  
26 Persons Rehabilitation Act, no matter whether the State

1 provides those services through direct fee-for-service  
2 arrangements, with the assistance of a managed care  
3 organization or other intermediary, or otherwise, (v)  
4 beginning on the effective date of this amendatory Act of the  
5 98th General Assembly and notwithstanding any other provision  
6 of this Act, any person employed by a public employer and who  
7 is classified as or who holds the employment title of Chief  
8 Stationary Engineer, Assistant Chief Stationary Engineer,  
9 Sewage Plant Operator, Water Plant Operator, Stationary  
10 Engineer, Plant Operating Engineer, and any other employee who  
11 holds the position of: Civil Engineer V, Civil Engineer VI,  
12 Civil Engineer VII, Technical Manager I, Technical Manager II,  
13 Technical Manager III, Technical Manager IV, Technical Manager  
14 V, Technical Manager VI, Realty Specialist III, Realty  
15 Specialist IV, Realty Specialist V, Technical Advisor I,  
16 Technical Advisor II, Technical Advisor III, Technical Advisor  
17 IV, or Technical Advisor V employed by the Department of  
18 Transportation who is in a position which is certified in a  
19 bargaining unit on or before the effective date of this  
20 amendatory Act of the 98th General Assembly, and (vi) beginning  
21 on the effective date of this amendatory Act of the 98th  
22 General Assembly and notwithstanding any other provision of  
23 this Act, any mental health administrator in the Department of  
24 Corrections who is classified as or who holds the position of  
25 Public Service Administrator (Option 8K), any employee of the  
26 Office of the Inspector General in the Department of Human

1 Services who is classified as or who holds the position of  
2 Public Service Administrator (Option 7), any Deputy of  
3 Intelligence in the Department of Corrections who is classified  
4 as or who holds the position of Public Service Administrator  
5 (Option 7), and any employee of the Department of State Police  
6 who handles issues concerning the Illinois State Police Sex  
7 Offender Registry and who is classified as or holds the  
8 position of Public Service Administrator (Option 7), but  
9 excluding all of the following: employees of the General  
10 Assembly of the State of Illinois; elected officials; executive  
11 heads of a department; members of boards or commissions; the  
12 Executive Inspectors General; any special Executive Inspectors  
13 General; employees of each Office of an Executive Inspector  
14 General; commissioners and employees of the Executive Ethics  
15 Commission; the Auditor General's Inspector General; employees  
16 of the Office of the Auditor General's Inspector General; the  
17 Legislative Inspector General; any special Legislative  
18 Inspectors General; employees of the Office of the Legislative  
19 Inspector General; commissioners and employees of the  
20 Legislative Ethics Commission; employees of any agency, board  
21 or commission created by this Act; employees appointed to State  
22 positions of a temporary or emergency nature; all employees of  
23 school districts and higher education institutions except  
24 firefighters and peace officers employed by a state university  
25 and except peace officers employed by a school district in its  
26 own police department in existence on the effective date of

1 this amendatory Act of the 96th General Assembly; managerial  
2 employees; short-term employees; legislative liaisons; a  
3 person who is a State employee under the jurisdiction of the  
4 Office of the Attorney General who is licensed to practice law  
5 or whose position authorizes, either directly or indirectly,  
6 meaningful input into government decision-making on issues  
7 where there is room for principled disagreement on goals or  
8 their implementation; a person who is a State employee under  
9 the jurisdiction of the Office of the Comptroller who holds the  
10 position of Public Service Administrator or whose position is  
11 otherwise exempt under the Comptroller Merit Employment Code; a  
12 person who is a State employee under the jurisdiction of the  
13 Secretary of State who holds the position classification of  
14 Executive I or higher, whose position authorizes, either  
15 directly or indirectly, meaningful input into government  
16 decision-making on issues where there is room for principled  
17 disagreement on goals or their implementation, or who is  
18 otherwise exempt under the Secretary of State Merit Employment  
19 Code; employees in the Office of the Secretary of State who are  
20 completely exempt from jurisdiction B of the Secretary of State  
21 Merit Employment Code and who are in Rutan-exempt positions on  
22 or after April 5, 2013 (the effective date of Public Act  
23 97-1172) ~~this amendatory Act of the 97th General Assembly~~; a  
24 person who is a State employee under the jurisdiction of the  
25 Treasurer who holds a position that is exempt from the State  
26 Treasurer Employment Code; any employee of a State agency who

1 (i) holds the title or position of, or exercises substantially  
2 similar duties as a legislative liaison, Agency General  
3 Counsel, Agency Chief of Staff, Agency Executive Director,  
4 Agency Deputy Director, Agency Chief Fiscal Officer, Agency  
5 Human Resources Director, Public Information Officer, or Chief  
6 Information Officer and (ii) was neither included in a  
7 bargaining unit nor subject to an active petition for  
8 certification in a bargaining unit; any employee of a State  
9 agency who (i) is in a position that is Rutan-exempt, as  
10 designated by the employer, and completely exempt from  
11 jurisdiction B of the Personnel Code and (ii) was neither  
12 included in a bargaining unit nor subject to an active petition  
13 for certification in a bargaining unit; any term appointed  
14 employee of a State agency pursuant to Section 8b.18 or 8b.19  
15 of the Personnel Code who was neither included in a bargaining  
16 unit nor subject to an active petition for certification in a  
17 bargaining unit; any employment position properly designated  
18 pursuant to Section 6.1 of this Act; confidential employees;  
19 independent contractors; and supervisors except as provided in  
20 this Act.

21 Home care and home health workers who function as personal  
22 care attendants, personal assistants, and individual  
23 maintenance home health workers and who also work under the  
24 Home Services Program under Section 3 of the Disabled Persons  
25 Rehabilitation Act shall not be considered public employees for  
26 any purposes not specifically provided for in Public Act 93-204

1 or Public Act 97-1158 ~~this amendatory Act of the 97th General~~  
2 ~~Assembly~~, including but not limited to, purposes of vicarious  
3 liability in tort and purposes of statutory retirement or  
4 health insurance benefits. Home care and home health workers  
5 who function as personal care attendants, personal assistants,  
6 and individual maintenance home health workers and who also  
7 work under the Home Services Program under Section 3 of the  
8 Disabled Persons Rehabilitation Act shall not be covered by the  
9 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

10 Child and day care home providers shall not be considered  
11 public employees for any purposes not specifically provided for  
12 in this amendatory Act of the 94th General Assembly, including  
13 but not limited to, purposes of vicarious liability in tort and  
14 purposes of statutory retirement or health insurance benefits.  
15 Child and day care home providers shall not be covered by the  
16 State Employees Group Insurance Act of 1971.

17 Notwithstanding Section 9, subsection (c), or any other  
18 provisions of this Act, all peace officers above the rank of  
19 captain in municipalities with more than 1,000,000 inhabitants  
20 shall be excluded from this Act.

21 (o) Except as otherwise in subsection (o-5), "public  
22 employer" or "employer" means the State of Illinois; any  
23 political subdivision of the State, unit of local government or  
24 school district; authorities including departments, divisions,  
25 bureaus, boards, commissions, or other agencies of the  
26 foregoing entities; and any person acting within the scope of

1 his or her authority, express or implied, on behalf of those  
2 entities in dealing with its employees. As of the effective  
3 date of the amendatory Act of the 93rd General Assembly, but  
4 not before, the State of Illinois shall be considered the  
5 employer of the personal care attendants and personal  
6 assistants working under the Home Services Program under  
7 Section 3 of the Disabled Persons Rehabilitation Act, subject  
8 to the limitations set forth in this Act and in the Disabled  
9 Persons Rehabilitation Act. As of January 29, 2013 (the  
10 effective date of Public Act 97-1158) ~~this amendatory Act of~~  
11 ~~the 97th General Assembly~~, but not before except as otherwise  
12 provided in this subsection (o), the State shall be considered  
13 the employer of home care and home health workers who function  
14 as personal care attendants, personal assistants, and  
15 individual maintenance home health workers and who also work  
16 under the Home Services Program under Section 3 of the Disabled  
17 Persons Rehabilitation Act, no matter whether the State  
18 provides those services through direct fee-for-service  
19 arrangements, with the assistance of a managed care  
20 organization or other intermediary, or otherwise, but subject  
21 to the limitations set forth in this Act and the Disabled  
22 Persons Rehabilitation Act. The State shall not be considered  
23 to be the employer of home care and home health workers who  
24 function as personal care attendants, personal assistants, and  
25 individual maintenance home health workers and who also work  
26 under the Home Services Program under Section 3 of the Disabled

1 Persons Rehabilitation Act, for any purposes not specifically  
2 provided for in Public Act 93-204 or Public Act 97-1158 ~~this~~  
3 ~~amendatory Act of the 97th General Assembly~~, including but not  
4 limited to, purposes of vicarious liability in tort and  
5 purposes of statutory retirement or health insurance benefits.  
6 Home care and home health workers who function as personal care  
7 attendants, personal assistants, and individual maintenance  
8 home health workers and who also work under the Home Services  
9 Program under Section 3 of the Disabled Persons Rehabilitation  
10 Act shall not be covered by the State Employees Group Insurance  
11 Act of 1971 (5 ILCS 375/). As of the effective date of this  
12 amendatory Act of the 94th General Assembly but not before, the  
13 State of Illinois shall be considered the employer of the day  
14 and child care home providers participating in the child care  
15 assistance program under Section 9A-11 of the Illinois Public  
16 Aid Code, subject to the limitations set forth in this Act and  
17 in Section 9A-11 of the Illinois Public Aid Code. The State  
18 shall not be considered to be the employer of child and day  
19 care home providers for any purposes not specifically provided  
20 for in this amendatory Act of the 94th General Assembly,  
21 including but not limited to, purposes of vicarious liability  
22 in tort and purposes of statutory retirement or health  
23 insurance benefits. Child and day care home providers shall not  
24 be covered by the State Employees Group Insurance Act of 1971.

25 "Public employer" or "employer" as used in this Act,  
26 however, does not mean and shall not include the General

1 Assembly of the State of Illinois, the Executive Ethics  
2 Commission, the Offices of the Executive Inspectors General,  
3 the Legislative Ethics Commission, the Office of the  
4 Legislative Inspector General, the Office of the Auditor  
5 General's Inspector General, the Office of the Governor, the  
6 Governor's Office of Management and Budget, the Illinois  
7 Finance Authority, the Office of the Lieutenant Governor, the  
8 State Board of Elections, and educational employers or  
9 employers as defined in the Illinois Educational Labor  
10 Relations Act, except with respect to a state university in its  
11 employment of firefighters and peace officers and except with  
12 respect to a school district in the employment of peace  
13 officers in its own police department in existence on the  
14 effective date of this amendatory Act of the 96th General  
15 Assembly. County boards and county sheriffs shall be designated  
16 as joint or co-employers of county peace officers appointed  
17 under the authority of a county sheriff. Nothing in this  
18 subsection (o) shall be construed to prevent the State Panel or  
19 the Local Panel from determining that employers are joint or  
20 co-employers.

21 (o-5) With respect to wages, fringe benefits, hours,  
22 holidays, vacations, proficiency examinations, sick leave, and  
23 other conditions of employment, the public employer of public  
24 employees who are court reporters, as defined in the Court  
25 Reporters Act, shall be determined as follows:

26 (1) For court reporters employed by the Cook County

1           Judicial Circuit, the chief judge of the Cook County  
2           Circuit Court is the public employer and employer  
3           representative.

4           (2) For court reporters employed by the 12th, 18th,  
5           19th, and, on and after December 4, 2006, the 22nd judicial  
6           circuits, a group consisting of the chief judges of those  
7           circuits, acting jointly by majority vote, is the public  
8           employer and employer representative.

9           (3) For court reporters employed by all other judicial  
10          circuits, a group consisting of the chief judges of those  
11          circuits, acting jointly by majority vote, is the public  
12          employer and employer representative.

13          (p) "Security employee" means an employee who is  
14          responsible for the supervision and control of inmates at  
15          correctional facilities. The term also includes other  
16          non-security employees in bargaining units having the majority  
17          of employees being responsible for the supervision and control  
18          of inmates at correctional facilities.

19          (q) "Short-term employee" means an employee who is employed  
20          for less than 2 consecutive calendar quarters during a calendar  
21          year and who does not have a reasonable assurance that he or  
22          she will be rehired by the same employer for the same service  
23          in a subsequent calendar year.

24          (q-5) "State agency" means an agency directly responsible  
25          to the Governor, as defined in Section 3.1 of the Executive  
26          Reorganization Implementation Act, and the Illinois Commerce

1 Commission, the Illinois Workers' Compensation Commission, the  
2 Civil Service Commission, the Pollution Control Board, the  
3 Illinois Racing Board, and the Department of State Police Merit  
4 Board.

5 (r) "Supervisor" is:

6 (1) An employee whose principal work is substantially  
7 different from that of his or her subordinates and who has  
8 authority, in the interest of the employer, to hire,  
9 transfer, suspend, lay off, recall, promote, discharge,  
10 direct, reward, or discipline employees, to adjust their  
11 grievances, or to effectively recommend any of those  
12 actions, if the exercise of that authority is not of a  
13 merely routine or clerical nature, but requires the  
14 consistent use of independent judgment. Except with  
15 respect to police employment, the term "supervisor"  
16 includes only those individuals who devote a preponderance  
17 of their employment time to exercising that authority,  
18 State supervisors notwithstanding. Nothing in this  
19 definition prohibits an individual from also meeting the  
20 definition of "managerial employee" under subsection (j)  
21 of this Section. In addition, in determining supervisory  
22 status in police employment, rank shall not be  
23 determinative. The Board shall consider, as evidence of  
24 bargaining unit inclusion or exclusion, the common law  
25 enforcement policies and relationships between police  
26 officer ranks and certification under applicable civil

1 service law, ordinances, personnel codes, or Division 2.1  
2 of Article 10 of the Illinois Municipal Code, but these  
3 factors shall not be the sole or predominant factors  
4 considered by the Board in determining police supervisory  
5 status.

6 Notwithstanding the provisions of the preceding  
7 paragraph, in determining supervisory status in fire  
8 fighter employment, no fire fighter shall be excluded as a  
9 supervisor who has established representation rights under  
10 Section 9 of this Act. Further, in new fire fighter units,  
11 employees shall consist of fire fighters of the rank of  
12 company officer and below. If a company officer otherwise  
13 qualifies as a supervisor under the preceding paragraph,  
14 however, he or she shall not be included in the fire  
15 fighter unit. If there is no rank between that of chief and  
16 the highest company officer, the employer may designate a  
17 position on each shift as a Shift Commander, and the  
18 persons occupying those positions shall be supervisors.  
19 All other ranks above that of company officer shall be  
20 supervisors.

21 (2) With respect only to State employees in positions  
22 under the jurisdiction of the Attorney General, Secretary  
23 of State, Comptroller, or Treasurer (i) that were certified  
24 in a bargaining unit on or after December 2, 2008, (ii) for  
25 which a petition is filed with the Illinois Public Labor  
26 Relations Board on or after April 5, 2013 (the effective

1 date of Public Act 97-1172) ~~this amendatory Act of the 97th~~  
2 ~~General Assembly~~, or (iii) for which a petition is pending  
3 before the Illinois Public Labor Relations Board on that  
4 date, an employee who qualifies as a supervisor under (A)  
5 Section 152 of the National Labor Relations Act and (B)  
6 orders of the National Labor Relations Board interpreting  
7 that provision or decisions of courts reviewing decisions  
8 of the National Labor Relations Board.

9 (s) (1) "Unit" means a class of jobs or positions that are  
10 held by employees whose collective interests may suitably be  
11 represented by a labor organization for collective bargaining.  
12 Except with respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, a bargaining unit determined by the Board  
16 shall not include both employees and supervisors, or  
17 supervisors only, except as provided in paragraph (2) of this  
18 subsection (s) and except for bargaining units in existence on  
19 July 1, 1984 (the effective date of this Act). With respect to  
20 non-State fire fighters and paramedics employed by fire  
21 departments and fire protection districts, non-State peace  
22 officers, and peace officers in the Department of State Police,  
23 a bargaining unit determined by the Board shall not include  
24 both supervisors and nonsupervisors, or supervisors only,  
25 except as provided in paragraph (2) of this subsection (s) and  
26 except for bargaining units in existence on January 1, 1986

1 (the effective date of this amendatory Act of 1985). A  
2 bargaining unit determined by the Board to contain peace  
3 officers shall contain no employees other than peace officers  
4 unless otherwise agreed to by the employer and the labor  
5 organization or labor organizations involved. Notwithstanding  
6 any other provision of this Act, a bargaining unit, including a  
7 historical bargaining unit, containing sworn peace officers of  
8 the Department of Natural Resources (formerly designated the  
9 Department of Conservation) shall contain no employees other  
10 than such sworn peace officers upon the effective date of this  
11 amendatory Act of 1990 or upon the expiration date of any  
12 collective bargaining agreement in effect upon the effective  
13 date of this amendatory Act of 1990 covering both such sworn  
14 peace officers and other employees.

15 (2) Notwithstanding the exclusion of supervisors from  
16 bargaining units as provided in paragraph (1) of this  
17 subsection (s), a public employer may agree to permit its  
18 supervisory employees to form bargaining units and may bargain  
19 with those units. This Act shall apply if the public employer  
20 chooses to bargain under this subsection.

21 (3) Public employees who are court reporters, as defined in  
22 the Court Reporters Act, shall be divided into 3 units for  
23 collective bargaining purposes. One unit shall be court  
24 reporters employed by the Cook County Judicial Circuit; one  
25 unit shall be court reporters employed by the 12th, 18th, 19th,  
26 and, on and after December 4, 2006, the 22nd judicial circuits;

1 and one unit shall be court reporters employed by all other  
2 judicial circuits.

3 (t) "Active petition for certification in a bargaining  
4 unit" means a petition for certification filed with the Board  
5 under one of the following case numbers: S-RC-11-110;  
6 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
7 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
8 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
9 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
10 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
11 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
12 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
13 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
14 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
15 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
16 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
17 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
18 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
19 S-RC-07-100.

20 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11;  
21 97-1158, eff. 1-29-13; 97-1172, eff. 4-5-13; revised 4-8-13.)

22 (5 ILCS 315/6.1)

23 Sec. 6.1. Gubernatorial designation of certain public  
24 employment positions as excluded from collective bargaining.

25 (a) Notwithstanding any provision of this Act to the

1 contrary, except subsections (e) and (f) of this Section, the  
2 Governor is authorized to designate up to 3,580 State  
3 employment positions collectively within State agencies  
4 directly responsible to the Governor, and, upon designation,  
5 those positions and employees in those positions, if any, are  
6 hereby excluded from the self-organization and collective  
7 bargaining provisions of Section 6 of this Act. Only those  
8 employment positions that have been certified in a bargaining  
9 unit on or after December 2, 2008, that have a pending petition  
10 for certification in a bargaining unit on April 5, 2013 (the  
11 effective date of Public Act 97-1172) ~~this amendatory Act of~~  
12 ~~the 97th General Assembly,~~ or that neither have been certified  
13 in a bargaining unit on or after December 2, 2008 nor have a  
14 pending petition for certification in a bargaining unit on the  
15 effective date of this amendatory Act of the 97th General  
16 Assembly are eligible to be designated by the Governor under  
17 this Section. The Governor may not designate under this  
18 Section, however, more than 1,900 employment positions that  
19 have been certified in a bargaining unit on or after December  
20 2, 2008.

21 (b) In order to properly designate a State employment  
22 position under this Section, the Governor shall provide in  
23 writing to the Board: the job title and job duties of the  
24 employment position; the name of the State employee currently  
25 in the employment position, if any; the name of the State  
26 agency employing the public employee; and the category under

1 which the position qualifies for designation under this  
2 Section.

3 To qualify for designation under this Section, the  
4 employment position must meet one or more of the following  
5 requirements:

6 (1) it must authorize an employee in that position to  
7 act as a legislative liaison;

8 (2) it must have a title of, or authorize a person who  
9 holds that position to exercise substantially similar  
10 duties as an, Agency General Counsel, Agency Chief of  
11 Staff, Agency Executive Director, Agency Deputy Director,  
12 Agency Chief Fiscal Officer, Agency Human Resources  
13 Director, Senior Public Service Administrator, Public  
14 Information Officer, or Chief Information Officer;

15 (3) it must be a Rutan-exempt, as designated by the  
16 employer, position and completely exempt from jurisdiction  
17 B of the Personnel Code;

18 (4) it must be a term appointed position pursuant to  
19 Section 8b.18 or 8b.19 of the Personnel Code; or

20 (5) it must authorize an employee in that position to  
21 have significant and independent discretionary authority  
22 as an employee.

23 Within 60 days after the Governor makes a designation under  
24 this Section, the Board shall determine, in a manner that is  
25 consistent with the requirements of due process, whether the  
26 designation comports with the requirements of this Section.

1           (c) For the purposes of this Section, a person has  
2 significant and independent discretionary authority as an  
3 employee if he or she (i) is engaged in executive and  
4 management functions of a State agency and charged with the  
5 effectuation of management policies and practices of a State  
6 agency or represents management interests by taking or  
7 recommending discretionary actions that effectively control or  
8 implement the policy of a State agency or (ii) qualifies as a  
9 supervisor of a State agency as that term is defined under  
10 Section 152 of the National Labor Relations Act or any orders  
11 of the National Labor Relations Board interpreting that  
12 provision or decisions of courts reviewing decisions of the  
13 National Labor Relations Board.

14           (d) The Governor must exercise the authority afforded under  
15 this Section within 365 calendar days after April 5, 2013 (the  
16 effective date of Public Act 97-1172) ~~this amendatory Act of~~  
17 ~~the 97th General Assembly~~. Any designation made by the Governor  
18 under this Section shall be presumed to have been properly  
19 made.

20           If the Governor chooses not to designate a position under  
21 this Section, then that decision does not preclude a State  
22 agency from otherwise challenging the certification of that  
23 position under this Act.

24           The qualifying categories set forth in paragraphs (1)  
25 through (5) of subsection (b) of this Section are operative and  
26 function solely within this Section and do not expand or

1 restrict the scope of any other provision contained in this  
2 Act.

3 (e) The provisions of this Section do not apply to any  
4 employee who is employed by a public employer and who is  
5 classified as, or holds the employment title of, Chief  
6 Stationary Engineer, Assistant Chief Stationary Engineer,  
7 Sewage Plant Operator, Water Plant Operator, Stationary  
8 Engineer, Plant Operating Engineer, and any employee who holds  
9 the position of: Civil Engineer V, Civil Engineer VI, Civil  
10 Engineer VII, Technical Manager I, Technical Manager II,  
11 Technical Manager III, Technical Manager IV, Technical Manager  
12 V, Technical Manager VI, Realty Specialist III, Realty  
13 Specialist IV, Realty Specialist V, Technical Advisor I,  
14 Technical Advisor II, Technical Advisor III, Technical Advisor  
15 IV, or Technical Advisor V employed by the Department of  
16 Transportation who is in a position which is certified in a  
17 bargaining unit on or before the effective date of this  
18 amendatory Act of the 98th General Assembly.

19 (f) The provisions of this Section also do not apply to any  
20 mental health administrator in the Department of Corrections  
21 who is classified as or who holds the position of Public  
22 Service Administrator (Option 8K), any employee of the Office  
23 of the Inspector General in the Department of Human Services  
24 who is classified as or who holds the position of Public  
25 Service Administrator (Option 7), any Deputy of Intelligence in  
26 the Department of Corrections who is classified as or who holds

1 the position of Public Service Administrator (Option 7), or any  
2 employee of the Department of State Police who handles issues  
3 concerning the Illinois State Police Sex Offender Registry and  
4 who is classified as or holds the position of Public Service  
5 Administrator (Option 7).

6 (Source: P.A. 97-1172, eff. 4-5-13.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.